

Attachment B

23

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON DANIEL BRADY,	)	
	)	Civil Action No. 03- 218E
Plaintiff,	)	Hon. Maurice B. Cohill, Jr.
	)	Senior United States District Judge
v.	)	
	)	
LTC WENDELL L. MAY	)	
	)	
Defendant.	)	

**MOTION FOR EXTENSION OF TIME TO EVALUATE OUT-OF  
COURT PROPOSAL**

The plaintiff is respectfully requesting an extension of time in order to evaluate a written proposal by the Staff Judge Advocate, Pennsylvania Army National Guard. Please consider the following:

1. Recommendation by COL. Janze, Military Personnel Officer to the Army Board of Corrections for Military Records (enclosed)
2. The Staff Judge Advocate's letter offering his assistance in preparing required documents and describing an enclosed Stipulation of Dismissal Without Prejudice (enclosed)
3. The National Guard appears to be making a valid attempt to provide administrative relief. The plaintiff's position is that the military proposal should be explored. My son is conducting his annual training at this time and cannot complete the documents required to apply for financial relief.
4. I do not want to dismiss this case until the Army Board of Corrections for Military Records has rendered it's decision. I am not familiar with this process and cannot estimate the time required. I am therefore respectfully requesting a sixty (60) day extension from August 5, 2005, to October 5, 2005, in order to determine the decision of the Army Board of Corrections. If a favorable decision is rendered prior to October 5<sup>th</sup>, I will dismiss the case.

Respectfully Submitted,

*for James C. Brady*  
Jason Daniel Brady, pro se



Office of Staff Judge Advocate  
Comm (717) 861-8635  
Autovon 491-8635

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
ADJUTANT GENERAL'S OFFICE  
**COMMONWEALTH OF PENNSYLVANIA**  
ANNVILLE, PENNSYLVANIA 17003-5002

July 16, 2005

Lieutenant Colonel (Ret) James C. Brady, Jr.  
4885 State Highway 173  
Cochrannton, Pennsylvania 16314

Subject: Army Board For Correction of Military Records

Dear Colonel Brady:

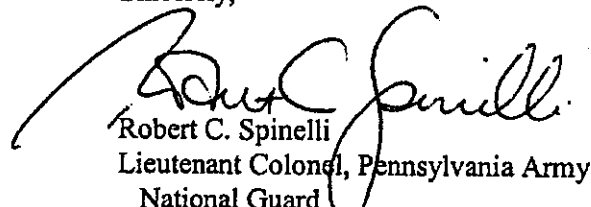
We recently discussed what options were available to your son to receive his \$5,000 enlistment bonus.

I believe that it will be the best use of yours and your son's resources to apply to the Army Board for Correction of Military Records (the Army Review Boards Agency for the reserve component) to correct the record and so receive the \$5,000 enlistment bonus your son seeks. This office, in its legal assistance capacity, will provide the full extent of support possible to assist Private First Class Brady in filing his application.

I have enclosed a DD Form 149, Application for Correction Military Record under the Provision of Title 10, U.S.C., Section 1552 and certain contemporaneous documents supporting your son's position. I have also enclosed an endorsement by this command of your son's request to include with his application to the ABCMR. Finally, I have included a Stipulation of Dismissal Without Prejudice for your son to sign and return to the Assistant United States Attorney dismissing the current complaint in federal court. Because the dismissal is without prejudice, you preserve Private Brady's right to pursue this matter in court if the ABCMR fails to provide the relief sought.

Once Private Brady has completed the DD Form 149, I will gladly review the same and provide a cover letter, if desired, to send to the ABCMR. If you have any further questions in regard to this matter, please contact me at (717) 861-8635.

Sincerely,

  
Robert C. Spinelli  
Lieutenant Colonel, Pennsylvania Army  
National Guard  
Staff Judge Advocate

Enclosures



DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
ADJUTANT GENERAL'S OFFICE  
**COMMONWEALTH OF PENNSYLVANIA**  
FORT INDIANTOWN GAP  
ANNVILLE, PENNSYLVANIA 17003-5002  
VOICE/TDD 1-800-645-8924

MP-SPT-IB

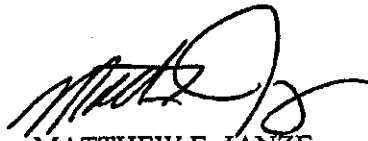
14 July 2005

MEMORANDUM FOR Army Board of Corrections for Military Records

SUBJECT: Recommendation for favorable action in reference to Specialist (SPC) Jason D. Brady

1. Reference: National Guard Regulation 600-7 para 1-14c dated March 1999.
2. SPC Brady enlisted in the Pennsylvania Army National Guard on 6 January 2000. Part of his enlistment contract included the Officer Candidate School option (OCS). He was also enlisted with the understanding he was eligible for the \$5000 Enlistment Bonus that was in effect at the time of his enlistment.
3. On 24 January 2000, SPC Brady was informed that the enlistment bonus was not authorized with the OCS option and in good faith he relinquished the OCS option with the understanding that this would make him eligible for the \$5000 Enlistment Bonus.
4. The National Guard Bureau verbally denied SPC Brady's request for exception to policy. Regulations do not allow for contracts to be completed after the date of enlistment to gain eligibility for incentives.
5. Due to administrative errors, we are recommending that SPC Brady be made eligible for and paid the \$5000 Enlistment Bonus
6. Thank you for your assistance in this matter. Any questions can be directed to SGT Warren Wolfe @ (717) 861-8536 or [warren.wolfe@pa.ngb.army.mil](mailto:warren.wolfe@pa.ngb.army.mil)

FOR THE ADJUTANT GENERAL:

  
MATTHEW E. JANZE  
COL, GS, PAARNG  
Military Personnel Officer